

**BOARD OF HEALTH**  
**Room 318: Bangs Community Center**  
**Minutes**

October 15, 2009

BOH Members: David Ahlfeld, Maria Bulzacchelli, Nancy Gilbert, David Kaufman

BOH Member Excused: Sandy Sulsky

Staff: Epi Bodhi, Pamela Field-Sadler

Other: Alan Weiss, Cold Spring Environmental Consultants, Inc.

**Meeting opened at 7:05 p.m.**

**I. Review & Receive**

**A. Meeting Minutes**

1. Meeting minutes from August 27, 2009 -**Accepted as written**
2. Meeting Minutes from September 17, 2009 – **Accepted with modification**

**II. New Business**

**A. Local Upgrade Approval Request: 488 Montague Road**

Alan Weiss, Cold Spring Environmental Consultants, Inc. in attendance.

The BOH members reviewed a request for a Local Upgrade Approval for a failed septic system on the property at 488 Montague Road submitted by Engineer Alan Weiss of Cold Spring Environmental Consultants Inc. Mr. Weiss requested the BOH approve a 3' groundwater separation as opposed to a 4' groundwater separation. Mr. Weiss noted there are no public or private wells within 100' of the Subsurface Absorption System.

**Motion:** Ms. Gilbert made the motion, seconded by Mr. Kaufman, to approve a 3' groundwater separation as requested for the property at 488 Montague Road.  
**Vote:** Unanimous

**III. Old Business**

**A. Tobacco Regulations**

**1. Smoking Disclosure in Multi-Unit Residences**

The BOH noted no additional public written comments were received regarding the proposed *Town of Amherst Regulation Smoking Disclosure in Multi-Unit Rental Residence*. The BOH discussed a meeting attended by Amherst landlords and property managers, BOH members David Ahlfeld, Maria Bulzacchelli and Sandy Sulsky, and Health Director Epi Bodhi. The landlords and property managers present at this meeting represented a variety of types of rental units: college students; elderly and public housing; lower and mixed income status.

Concerns brought forth by the landlords/property managers included:

- Some landlords/property managers do experience a demand for smoke free units.
- The landlords/property managers would like it to be easier to evict a smoker who is in violation of their lease.
- Some subsidized housing property managers do not write their own leases.
- Some landlords are concerned they will have empty apartments if they need to disclose there are smokers renting nearby.
- The landlords/property managers questioned why condominiums were not included in the proposed regulation.
- Lower income families may be adversely affected by a smoking disclosure regulation.

Suggestions brought forth by the Landlords/property managers included:

- The landlords/property managers agreed they would like enforcement of regulation to be the responsibility of the BOH.
- The landlords/property managers propose a town by-law rather than a regulation. A town by-law would allow the police to cite smokers.
- The landlords/property managers agreed the consequences for not adhering to a regulation should be the ownership of the violator and not the landlord/property manager.

During the BOH's discussion, BOH members consistently referred to the original goal: "to protect tenants by allowing them to make informed decisions." The BOH questioned whether the proposed regulation was clear in defining the landlords/property managers' responsibility, and if the regulation provided incentive for landlords/property managers to create more smoke free housing. The suggestion was made to take a more stringent action by requiring all multi-unit rental residences to have a determined percentage of smoke free units by a specified time frame. Chairman Ahlfeld will communicate with BOH member Sandy Sulsky regarding taking the lead on this issue as the BOH determines the appropriate action in moving forward. The notes from the landlord, property manager, and BOH members meeting, as well as tonight's meeting will be forwarded to Attorney Wilson for review.

## **2. Outdoor Spaces**

The BOH reviewed the current draft of the ETS regulation submitted by Attorney Wilson. The BOH agreed to formulate a list of municipal buildings to be added to the "Municipal Building" definition in Section 3. The BOH agreed to have a full discussion regarding proposed Section 4.3.I at their next scheduled meeting.

**IV. Director's Report**

**A. Public Health Nurse**

Today was Keith Carlson's last day in his position of Public Health Nurse. Ms. Bodhi informed the BOH Margaret (Meg) Oakes has been hired to fill the Public Health Nurse position.

**B. H1N1 Update**

Ms. Bodhi informed the Board the updates regarding H1N1 continue to change at a frenzied pace. Ms. Bodhi continues to work with the colleges, public schools and the town preparing for vaccine distribution and emergencies. The Health Department will receive \$47,000 to administer H1N1 Flu Clinics. Ms. Bodhi will give 80% of the monies to UMASS to staff Amherst clinics and purchase supplies because our nurse is in transition.

**C. Northampton Board of Health**

The Northampton Health Department has a new Health Director: Ben Wood. Mr. Wood has experience in emergency planning and health equity.

**D. PHAB/PHRP Update**

Ms. Bodhi informed the Board the health department will be receiving \$27,000 through the Public Health Accreditation Board (PHAB). Additionally, Ms. Bodhi also reported we may receive \$3000 through the MA Public Health Regionalization Project (PHRP). Both programs are for work investigating regionalization of health departments.

**E. Hookah Bar**

Ms. Bodhi informed the BOH she received an inquiry regarding opening a hookah bar in Amherst. Ms. Bodhi let the interested party know the current ETS regulations do not allow for smoking bars in Amherst.

**V. Agricultural Commission Liaison**

Chairman Ahlfeld has communicated with Ruth Hazzard from the Agricultural Commission. Ms. Hazzard will consult the Agricultural Commission to determine the need for a meeting. Ms. Bodhi explained the Agricultural Commission has served as a liaison to the Farmer's Market vendors. A meeting with these vendors would be helpful to prepare for next year's market season and the completion of necessary paperwork and payment of fees.

**VI. Schedule Next BOH Meeting/Agenda Closing Date**

**A.** The next BOH meeting will be November 19, 2009.

**Meeting Adjourned: 9:00 p.m.**

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Epi Bodhi, Health Director  
**Approved: 11/19/09**

